

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAW OFFICE OF COURTNEY L HAAS LLC, individually and
on behalf of J.T., parent of C.L.

COMPLAINT

Plaintiffs
-against-

Case # 1:23-cv-2024

New York City Department of Education

Defendant

The Law Office of Courtney L Haas LLC, individually and on behalf of J.T., the parent of a child with a disability, for their complaint hereby allege:

1. This is an action brought pursuant to the fee shifting provisions of the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. § 1415(i)(3).
2. At all times relevant to this action, Plaintiff J.T. and her son C.L. resided within the territorial jurisdiction of defendant New York City Department of Education (the “DOE”).
3. Plaintiff J.T. is the parent of a child with a disability as defined by IDEA, 20 U.S.C. § 1401(3)(A).
4. Defendant DOE is a local educational agency as defined by IDEA, 20 U.S.C. § 1401(15), and, as such, is obligated to provide educational and related programs and services to its students in compliance with the applicable federal and state statutes,

regulations, and the U.S. Constitution, and is subject to the requirements of 20 U.S.C. § 1400 et seq. and the regulations promulgated thereunder.

JURISDICTION AND VENUE

5. Jurisdiction is predicated upon 28 U.S.C. § 1331, which provides the district courts with original jurisdiction over all civil actions arising under the laws of the United States, and upon the fee-shifting provision of IDEA, 20 U.S.C. § 1415(i)(3)(A), which provides that the district courts of the United States shall have jurisdiction of actions brought under section 1415(i)(3) without regard to the amount in controversy.

6. Venue is predicated upon 28 U.S.C. § 1391(b)(1) based upon the residence of the defendant, and upon 28 U.S.C. § 1391(b)(2) based upon the location of the subject matter of this action.

FACTUAL BACKGROUND AND EXHAUSTION OF ADMINISTRATIVE PROCESS

7. By letter dated March 18, 2011, Plaintiff J.T. demanded a due process hearing on behalf of C.L. pursuant to 20 U.S.C. § 1415(f)(1).

8. Plaintiff J.T. sought reimbursement of the costs of tuition for the parental placement of her son C.L. at the Children's Academy for the 2019-2020 school year.

9. The District appointed impartial hearing officer ("IHO") Mindy Wolman.

10. The parties were unable to resolve the matter by settlement.

11. An impartial hearing was conducted on January 22, 2020.

12. Following the close of hearing and the submission of briefs, the IHO ruled in favor of the parent, awarding full reimbursement for the 2019-2020 school year.

13. Neither party appealed the decision of the IHO. Thus, the decision is final.

14. The Parent is a prevailing party by virtue of the IHO's decision.

FIRST CAUSE OF ACTION

15. Plaintiffs repeat and reallege paragraphs 1 through 14 as if more fully set forth herein.

16. Plaintiff J.T. has assigned to Plaintiff Law Office of Courtney L Haas LLC the right to attorney fees that arises from having prevailed in the administrative proceedings.

17. Plaintiff Law Office of Courtney L Haas LLC hereby demands reasonable attorney fees and expenses pursuant to 20 U.S.C. §1415(i)(3) for services rendered on the above noted administrative proceeding.

18. Defendant having not satisfied its obligation to pay attorney fees in a timely fashion, plaintiffs demand prejudgment interest.

SECOND CAUSE OF ACTION

19. Plaintiff repeats and realleges paragraphs 1 through 20 as if more fully set forth herein.

20. Plaintiff Law Office of Courtney L Haas LLC hereby demands reasonable attorney fees and expenses for services rendered on this action.

WHEREFORE , plaintiffs respectfully request that this Court:

- (1) Assume jurisdiction over this action;
- (2) Award to the plaintiff Law Office of Courtney L Haas LLC costs, expenses and attorneys' fees together with prejudgment interest for the administrative proceeding pursuant to 20 U.S.C. 1415;

(3) Award to the plaintiff Law Office of Courtney L Haas LLC the costs, expenses and attorneys' fees of this action pursuant to 20 U.S.C. § 1415; and

(4) Grant such other and further relief as the Court deems just and proper.

Dated: March 9, 2023
New York, New York

Yours, etc.

COURTNEY HAAS
Law Office of Courtney L Haas LLC
Attorney for Petitioner
57 West 57th Street, Suite 4364
New York, New York 10019
(718) 578-2658
Courtney@haaseducationlaw.com